

9925 '99 DEC 23 P1 13046 Dohr Street
Berkeley, CA 94702

December 16, 1998

Docket Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

RE: Docket No. 97N-484S

To Whom It May Concern:

Today my son, Caetano, is eighteen months old. He was born because of the care and loving of three people. One of them is a gay man, a good friend whose fresh sperm donation made Caetano possible. We made the decision to use this donor after much thought and discussion. There were many factors that went into the decision. We wanted our child to have the opportunity to know his biological father. We wanted on-going access to his family medical history. And, of course, there were the intangible qualities that we found in this donor -- a sparkling sense of humor, love of art, grace, a boundless sense of optimism. We were not just looking for biological material, we were looking for a human being.

The fact that the donor is a gay man is an essential part of what makes him the wonderful person he is. For many reasons, his sexual orientation is a plus for us, too. His happiness at the unexpected opportunity to father a child has helped him to form a loving bond with our son. And our son will benefit from having a gay man in his life, someone who can help him to accept and embrace all of who he is, not just a single vision of masculinity.

All in all, it has been a terrific choice. And it was, appropriately, our choice to make as Caetano's parents. It unnerves me to think that my government is trying to take this choice away from our family and other families.

The "medical" rationales for the proposed ban on fresh sperm insemination by directed donors do not make sense. (I am equally disturbed by the outright discriminatory treatment of gay men also proposed in-the FDA rule.) We fully informed ourselves about risk factors, including asking direct questions of our known donor about his sexual practices. Our friend underwent extensive testing and re-testing to be sure that neither my child nor I would be put at risk. Some of the testing showed that his cryosurvival rate was extremely low. We decided to use fresh sperm because of this and the much higher likelihood of conceiving with fresh sperm. It is ridiculous to assert that we would have been safer to trust-the information provided by an anonymous donor, whose main motivation for donation was probably financial compensation, over that of a close family friend motivated only by love and friendship.

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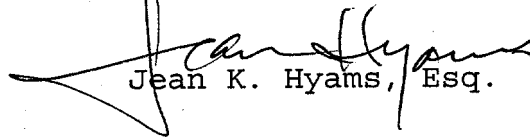
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Fresh insemination should remain legal and accessible to insure that it remains as safe as humanly possible. Look to California's Health and Safety Code 1644.5 for a good model to follow.

The ability to make informed decisions and the right to consent are basic tenets of the Patient's Bill of Rights. It's dead wrong to deny them to potential parents. The result would be a public health disaster because people will likely continue with fresh sperm insemination on their own, without the important information they need to be sure they are making a safe choice.

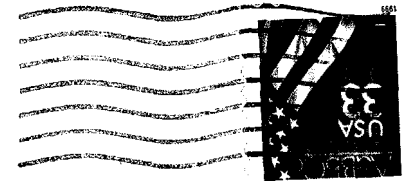
Sincerely,


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